

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF

JUDICIAL DISTRICT

IN THE INTEREST OF _____, A CHILD

_____)	
PETITIONER)	
)	TRANSFER ORDER
VS.)	FILE NO. _____
)	
_____)	
RESPONDENT)	

THE COURT FINDS AND ORDERS THAT:

1. a. Date of hearing: _____ Room: _____
b. Judicial officer: _____
c. Parties and attorneys present: _____
d. (Optional) A hearing was not held pursuant to North Dakota Rules of Court 3.2.
2. ? Notice has been given as required by law.
3. ? The minor child involved in this proceeding is an "Indian child" as defined by the Indian Child Welfare Act of 1978, 25 U.S.C. §1903 (4), in that the child is under eighteen years of age, and the child is a member of the {name of Tribe} Tribe or eligible for membership in the {name of Tribe} Tribe and the child of {name of parent} who is a member of the {name of Tribe} Tribe.
4. ? The {name of tribe} Tribe is an "Indian tribe" as defined by the Indian Child Welfare Act of 1978, 25 U.S.C. §1903 (8), and this fact is entitled to judicial notice by virtue of publication in the Federal Register, 65 Fed. Reg. 13298 (March 13, 2000).
5. ? The {name of Tribe} Tribe is the "Indian child's Tribe" as defined by the Indian Child Welfare Act of 1978, 25 U.S.C. §1903 (5), in that the child is a member or eligible for membership in the said Tribe and has the most significant contact with the said Tribe.
6. ? This is a child custody proceeding as defined by the Indian Child Welfare Act of 1978, 25 U.S.C. §1903 (1).
7. ? The Indian child is ? a ward of the court or ? resides or is domiciled on a reservation on which the Tribe exercises exclusive Indian child custody and the child must be transferred to the jurisdiction of the Tribal Court.

-or-
? The ? parent ? Indian custodian ? child's Tribe petitioned for transfer of the proceedings to the jurisdiction of the Tribe and good cause does not exist to deny transfer of this proceeding.
8. ? This case is ordered transferred to the jurisdiction of the {name of Tribe} Tribal Court, the Court with exclusive jurisdiction over the child pursuant to 25 U.S.C. §1911 (a), at the {reservation name, county, state}.

-or-

- ? Subject to declination by the Tribal Court, the petition for transfer is granted and this case is ordered transferred to the jurisdiction of the {name of Tribe} Tribal Court at {reservation name, county, state}.
9. ? The clerk is directed to send by certified mail, return receipt requested an endorsed filed copy of this order to the designated Tribal Court with:
- ? notice that the case shall be transferred as required by the Indian Child Welfare Act of 1978, 25 U.S.C. §1911 (a), §1922.

-or-

- ? notice that a petition for transfer has been granted. Upon receipt of a tribal order accepting transfer of the case and assuming jurisdiction over the child, the state case shall be dismissed and, at the Tribe's request, the District Court's file (or a copy thereof) shall be forwarded to the Tribal Court. Failure to submit a tribal order within 30 days shall be deemed a declination of jurisdiction.
10. ? This matter is calendared for _____, 20_____, to review the status of the transfer and either confirm the transfer and dismiss the proceeding or to resume the proceeding.
11. ? Other:

Date:

Judicial Officer

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that an endorsed filed copy of the foregoing order and notice as set forth below was mailed by certified mail, return receipt requested, to the {name of Tribe} Tribal Court at the following address:

NOTICE TO TRIBAL COURT

- ? **The District/Juvenile Court of _____ County, North Dakota, has determined that the minor child, _____, is properly subject to the exclusive jurisdiction of your Court. Accordingly, as required by the Indian Child Welfare Act of 1978, 25 U.S.C. §1911 (a), §1922, the case shall be transferred to tribal court. Please take note that within 30 days, the file shall be forwarded to your court and the state proceeding dismissed.**

-or-

- ? **The Court has granted a petition to transfer the Indian child custody proceeding involving the minor child, _____, to your Court. Upon receipt of a tribal order accepting transfer of the case and assuming jurisdiction over the child, the state case shall be dismissed and, at the Tribe's request, the Juvenile Court's file (or a copy thereof) shall be forwarded to the Tribal Court. Failure to submit a tribal order within 30 days shall be deemed a declination of jurisdiction.**

Clerk